

ture should do something. That is what twenty-six states have done.

Secondly, it has been taken care of by legislative action in other states. Thirdly, in some states, Arizona is an example, the courts have taken the bull by the horns, saw the theory is no longer valid and they have overruled it.

I think the Committee was perhaps a little overexuberant, that is why I am proposing an amendment. What we are saying is that this concept belongs in the constitution and I hope you will put it in the constitution.

THE CHAIRMAN: Delegate Bennett, do you desire to speak in favor of the amendment?

DELEGATE BENNETT: Yes sir, Mr. Chairman, in favor of the amendment.

THE CHAIRMAN: You may proceed.

DELEGATE BENNETT: This is merely for the purpose of stating an answer to Delegate Hanson's remarks that the State in its political subdivisions might have some time to prepare and not allow a lot of suits to accumulate during this period.

Assuming that Delegate Scanlan's amendment is rejected and the Kiefer amendment is approved, I intend with the indulgence of the Chair to offer an amendment in the first few words reading as follows: "In causes of action arising after July 1, 1972, the doctrine of sovereign immunity", and so on. That is a specific transitional provision.

THE CHAIRMAN: Does any other delegate desire to speak in opposition?

Delegate Churchill Murray.

DELEGATE E. C. MURRAY: Mr. Chairman and fellow delegates, I have lived with this for a great many years. However, all that I want to say to you at this point is that in considering your vote, you might, if you please, consider that with whatever evils this may bring and it is apt to bring some evils, some misrepresentation and that sort of thing, but basically if you do away with your sovereign immunity you spread the misfortunes of those who are injured amongst a great many. In this case it will be spread among about three million people, instead of it remaining centered in the unfortunate person who is injured. There is a basic principle here as to spreading the loss.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Grant.

DELEGATE GRANT: Point of parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: State the inquiry.

DELEGATE GRANT: In the event that Delegate Scanlan's amendment is approved, will Delegate Kiefer's amendment still be in order?

THE CHAIRMAN: It will not. If Delegate Scanlan's Amendment No. 9 is approved, the section will be deleted completely.

It would be possible, of course, for Delegate Kiefer to—. Just a second, your amendment is an entire substitution for the section. The Chair is in error.

The amendment would be in order. It would be necessary to rephrase somewhat the preliminary language. This could be done.

Delegate Scanlan.

DELEGATE SCANLAN: I have cautioned myself not to speak twice even on my own motions, but I do feel I would like briefly to make two comments.

Chairman Kiefer stoutly proclaims that the committee went into this at great length and considerable data was assembled. I direct the attention of the assembly to the two platitudinous paragraphs found on page 3 which purports to explain their conclusion and their recommendation.

There is not a fact, there is not a statistic, and there is not a piece of information upon which any intelligent delegate could base a decision. But even there they conclude where I come out, that it is the role of the legislature to determine to what extent and in what manner the government shall be immunized.

If they believe that they should never advance the proposition set forth in section 7. Secondly, I beg of the assembly to remember that we are sitting as a Constitutional Convention, not a state legislature. Yesterday we tried to write a little Wagner Act on this floor. Now they want us to write a little tort claims act and in a few minutes you will be asked to write a full employment act.

We are a Constitutional Convention, not a legislature. We have a legislature. I beg you to start acting like a Convention and stop acting like a legislature.

We will not only have a better Constitution, but you might get out of here by New Year's.